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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,798	04/14/1999	JEFF SOLUM	500.715US1	2590

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EXAMINER

ODLAND, DAVID E

ART UNIT PAPER NUMBER

2662

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/291,798

Applicant(s)

SOLUM, JEFF

Examiner

David Odland

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-16, 24, 25, 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 2, 18, 20-23, and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is responsive to the amendments filed on 8/12/2002.

### ***Claim Objections***

2. Claims 20-23 and 26 are objected to because of the following informalities:

The numbering of the newly added claims as 19-27 is improper because a "claim 19" exists already. Therefore, the newly added claims have been renumbered as 20-28, respectively.

Claim 26 recites "...power down such that so that the remote packet..." in line 5. This statement is of improper English grammar.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 17 and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent number 5,764,734 to Medendorp et al., hereafter referred to as Medendorp.

Referring to claim 17, Medendorp discloses a power control circuit for a communication device (a method and apparatus for controlling power consumption (see abstract)) comprised of a counter that establishes a selected time period for powering down a receiver of the communication device (power to a transceiver is turned off for the duration of a sleep timer (see column 5 lines 23-37 and figure 5)) and a processor coupled to the counter (the timer is within a

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microprocessor (see column 5 lines 23-37, claim 15 and figure 5)), that is programmed to control the reset of the counter, to power down the receiver, and to power up the receiver to check for incoming data packets transmitted by another communication device when the counter indicates that the selected time period has expired (the microprocessor controls the timer so that the transceiver is powered down until the sleep timer expires and then powered up to check for incoming alert frames from the transmitter (see column 5 lines 23-37, claim 15 and figures 5 and 1)). Note the timer is inherently reset since the power saving feature disclosed is an on-going repetitive process.

Referring to claim 19, Medendorp discloses controlling power consumption as discussed above. Furthermore, Medendorp discloses that the processor is programmed to power up the receiver for a selected time period to check for incoming data (the microprocessor powers up the receiver for a time period and checks for the alert frame (see column 5 lines 23-37, claim 15 and figure 5)).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medendorp in view of U.S. Patent number 6,151,334 to Kim et al., hereafter referred to as Kim.

Referring to claim 1, Medendorp discloses a method for controlling power consumption in a device (a method for controlling power consumption [see abstract]), comprising powering down at least a portion of a receiver of the communication device for a selected period of time (power to a transceiver is turned off for the duration of a sleep timer [see column 5 lines 23-37 and figure 8]), when the selected period of time expires, powering up at least a portion of the receiver to check for incoming data (after the sleep timer equals zero the transceiver is powered up and checks for an incoming telephone call (see column 5 lines 23-37 and figure 8)).

Medendorp does not disclose that the portion of the receiver is powered down in response to an indication from the source that data transmission has ended. However, Kim discloses of a system wherein a receiver is powered down when it receives a particular code word from the transmitter which indicates the end of the data transmission (see column 7 lines 3-8)). It would have been obvious to one skilled in the art at the time of the invention to power down the receiver when the source sends it an indication that data transmission has ended, as taught by Kim, in the system of Medendorp because doing so would prevent wasting power (i.e. since the transmission of data has ended there is no need for the receiver to remain fully powered).

Referring to claim 3, Medendorp discloses the method of controlling power consumption as discussed above. Furthermore, Medendorp discloses powering down the at least a portion of a receiver for a selected period of time comprises setting and decrementing a counter (the transceiver is powered off until the sleep timer counts down to zero (see column 5 lines 23-37 and figure 8)).

Referring to claim 5, Medendorp discloses controlling power consumption as discussed above. Furthermore, Medendorp discloses powering up the receiver checking for incoming data

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(powering on the transceiver and checked for the alert frame (see column 5 lines 23-37 and figure 8)), when no data is detected, checking for incoming data after another selected period of time (if the alert value has not been received it then checks for an incoming call (see column 5 lines 23-37 and figure 8)), when incoming data is detected, processing the data (if a call is received the call is processed (see column 5 lines 23-37 and figure 8)), when no incoming data is detected, powering down the receiver for a selected period of time (if the alert frame is not received the timer is reset and the transceiver is powered off (see column 5 lines 23-37 and figure 8)).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Medendorp in view of Kim and further in view of U.S. Patent number 5,392,287 to Tiedemann et al, hereafter referred to as Tiedemann.

Referring to claim 4, Medendorp in view of Kim discloses a method for controlling power consumption as discussed above. Medendorp in view of Kim does not disclose synchronizing the counter with a counter disposed at the source of the incoming data. However, Tiedemann discloses synchronizing a receiver with that of the transmitter to which it is connected (see column 4 lines 17-33)). It would have been obvious to one skilled in the art at the time of the invention to perform the synchronization between the source and receiver timers, as taught by Tiedemann, in the system of Medendorp in view of Kim because doing so would prevent timing problems and possible loss of data (i.e. the source would know when the receiver was powered down or not and therefore it would know when the proper time would be to transmit data to the receiver).

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*Allowable Subject Matter*

6. Claims 6-11, 12-16, 24, 25, 27 and 28 are allowed.
7. Claims 2 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

8. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. The following prior art, which is made of record and not relied upon, is considered pertinent to applicant's disclosure:

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- a. U.S. Patent Number 5956323 to Bowie et al.
- b. U.S. Patent Number 6058289 to Gardner et al.
- c. U.S. Patent Number 6356538 to Li et al.
- d. U.S. Patent Number 5797094 to Houde et al.
- e. U.S. Patent Number 3772596 to Edwards.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland, who can be reached at (703) 305-3231 on Monday – Friday during the hours of 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (703) 305-4744. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, who can be reached at (703) 305-4750.

deo

October 17, 2002

  
HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600